

# COMMITTEE REPORT

## MADAM PRESIDENT:

**The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1042, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:**

- 1       Page 1, line 4, delete "Materials," and insert "**Materials**".
- 2       Page 1, delete line 5.
- 3       Page 1, line 6, after "Sec. 1." insert "**This chapter does not apply**
- 4       **to a person who sells sexually explicit materials on June 30, 2008,**
- 5       **unless the person changes the person's business location after June**
- 6       **30, 2008.**
- 7       **Sec. 2."**
- 8       Page 1, line 6, delete "person, firm, corporation, association,
- 9       partnership," and insert "**person (as defined in IC 35-41-1-22)**".
- 10      Page 1, line 7, delete "limited liability corporation, or other entity".
- 11      Page 1, line 7, after "to" insert "**offer for sale or**".
- 12      Page 1, line 8, delete "materials, products, or services" and insert
- 13      "**materials**".
- 14      Page 1, line 9, after "to" insert "**offer for sale or**".
- 15      Page 1, line 9, delete "materials," and insert "**materials**".
- 16      Page 1, line 10, delete "products, or services".
- 17      Page 1, line 11, delete "materials, products, or services" and insert
- 18      "**materials**".
- 19      Page 1, line 11, delete "are intended to be sold." and insert "**the**
- 20      **person intends to offer for sale or sell.**".

- 1 Page 1, line 12, delete "Sec. 2." and insert "**Sec. 3.**".
- 2 Page 1, line 15, delete "business" and insert "**person**".
- 3 Page 1, line 15, delete "1" and insert "**2**".
- 4 Page 1, line 17, delete "All local zoning boards that have
- 5 jurisdiction in the" and insert "**A local entity that supervises a zoning**
- 6 **board in the county.**".
- 7 Page 2, delete line 1.
- 8 Page 2, line 2, delete "1" and insert "**2**".
- 9 Page 2, line 4, delete "an entity" and insert "**a person**".
- 10 Page 2, line 4, delete "1" and insert "**2**".
- 11 Page 2, line 5, after "to" insert "**offer for sale or**".
- 12 Page 2, line 5, delete "materials, products, or services" and insert
- 13 "**materials**".
- 14 Page 2, line 6, delete "1" and insert "**2**".
- 15 Page 2, between lines 6 and 7, begin a new paragraph and insert:
- 16 "SECTION 2. IC 23-18-12-3, AS AMENDED BY P.L.60-2007,
- 17 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2008]: Sec. 3. (a) Except as provided in subsection (e), the
- 19 secretary of state shall collect the following fees when the documents
- 20 described in this section are delivered for filing:
- | 21 Document                                       | Fee    |
|---|--------|
| 22 (1) Articles of organization                   | \$90   |
| 23 (2) Application for use of                     |        |
| 24 indistinguishable name                         | \$20   |
| 25 (3) Application for reservation of name        | \$20   |
| 26 (4) Application for renewal of                 |        |
| 27 reservation                                    | \$20   |
| 28 (5) Notice of transfer or cancellation         |        |
| 29 of reservation                                 | \$20   |
| 30 (6) Application of registered name             | \$30   |
| 31 (7) Application for renewal of registered name | \$30   |
| 32 (8) Certificate of change of registered        |        |
| 33 agent's business address                       | No Fee |
| 34 (9) Certificate of resignation of              |        |
| 35 agent  | No Fee |
| 36 (10) Articles of amendment                     | \$30   |
| 37 (11) Restatement of articles of                |        |
| 38 organization                                   | \$30   |

1	(12) Articles of dissolution	\$30
2	(13) Application for certificate of	
3	authority	\$90
4	(14) Application for amended	
5	certificate of authority	\$30
6	(15) Application for certificate of	
7	withdrawal	\$30
8	(16) Application for reinstatement	
9	following administrative dissolution	\$30
10	(17) Articles of correction	\$30
11	(18) Certificate of change of	
12	registered agent	No Fee
13	(19) Application for certificate of	
14	existence or authorization	\$15
15	(20) Biennial report filed in writing,	
16	including by facsimile	\$30
17	(21) Biennial report filed by electronic medium	\$20
18	(22) Articles of merger involving a	
19	domestic limited liability company	\$90
20	(23) Any other document required or	
21	permitted to be filed under this article	\$30
22	<b>(24) Registration of intent to sell</b>	
23	<b>sexually explicit materials, products, or services</b>	<b>\$250</b>

(b) The fee set forth in subsection (a)(20) for filing a biennial report is fifteen dollars (\$15) per year, to be paid biennially.

(c) The secretary of state shall collect a fee of \$10 each time process is served on the secretary of state under this article. If the party to a proceeding causing service of process prevails in the proceeding, that party is entitled to recover this fee as costs from the nonprevailing party.

(d) The secretary of state shall collect the following fees for copying and certifying the copy of any filed documents relating to a domestic or foreign limited liability company:

(1) One dollar (\$1) per page for copying.

(2) Fifteen dollars (\$15) for certification stamp.

(e) If the document described in subsection (a)(1) or (a)(13) is filed by electronic means as prescribed by the secretary of state, the secretary of state shall collect a filing fee of seventy-five dollars

- 1 (\$75).".
- 2 Page 2, line 10, delete "and Services".
- 3 Page 2, line 11, delete "means an individual, a" and insert "**has the**
- 4 **meaning set forth in IC 35-41-1-22.**".
- 5 Page 2, delete lines 12 through 13.
- 6 Page 2, line 14, delete "For purposes of this chapter, materials,
- 7 products, or" and insert "**As used in this chapter, "sexually explicit**
- 8 **materials" means a product or service:**
- 9 **(1) that is harmful to minors (as described in IC 35-49-2-2),**
- 10 **even if the product or service is not intended to be used by or**
- 11 **offered to a minor; or**
- 12 **(2) that is designed for use in, marketed primarily for, or**
- 13 **provides for:**
- 14 **(A) the stimulation of the human genital organs; or**
- 15 **(B) masochism or a masochistic experience, sadism or a**
- 16 **sadistic experience, sexual bondage, or sexual**
- 17 **domination.**".
- 18 Page 2, delete lines 15 through 28.
- 19 Page 2, line 31, after "a" insert ":
- 20 **(A)".**
- 21 Page 2, line 33, delete "8-1-32.6-3)." and insert "**8-1-32.6-3);**
- 22 **(B) physician; or**
- 23 **(C) public or nonpublic school.**".
- 24 Page 2, line 34, after "not" insert "**offer for sale or**".
- 25 Page 2, line 35, delete "materials, products, or services" and insert
- 26 **"materials".**
- 27 Page 2, line 39, delete "violates" and insert "**offers for sale or sells**
- 28 **sexually explicit materials in violation of**".

- 1           Page 2, line 39, after "commits" insert "**unregistered sale of**
- 2           **sexually explicit materials,**".
- 3           Renumber all SECTIONS consecutively.  
            (Reference is to HB 1042 as reprinted January 30, 2008.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 6, Nays 0.

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**Steele**

**Chairperson**